

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.110 OF 2005

Office Notes, Office
Memoranda of Coram, Court's or Judge's orders
appearances, Court's orders
or directions and
Registrar's orders

Mr.Pratap Patil for the applicant.

Mrs.A.R.S.Baxi for Respondent no.1.

Mrs.M.H.Mhatre, APP for the State.

Coram : R.S.Mohite, J

Date : 14.2.2006.

PC

1. This is a revision filed by the husband impugning a judgment and order passed by the Sessions Judge, Sangli on 23.12.2004 in Criminal Revision Application No.102/2004 directing the applicant to pay monthly maintenance @ Rs.1000/- to the respondent-wife w.e.f.7.9.2000 which is the date of the application. The husband in this case has denied the factum of marriage and on that footing he had further denied all the

allegations relating to cruelty. The JMFC on the evidence, came to a finding of fact that there was no factum of marriage. He also held that the Court has no jurisdiction to entertain the application. On this footing the other issues pertaining to whether applicant has proved that she was neglected and opponent has refused to maintain her and as to whether the opponent was having sufficient means to provide maintenance, were not decided as they did not arise. On perusing the judgment and order of the revisional Court, it is seen that the Court has held on evidence that marriage did exist and that JMFC had jurisdiction to entertain the application under Section 125. In paragraph-14 of the revisional Court's judgment, the revisional Court has dealt with the question of the husband having sufficient means to provide maintenance to the wife. It has been observed by the revisional Court that the husband is M.A. in politics. That he has 8 anna

shares in land which crops like sugarcane and tomatoes being taken in a part of the area. In my view, the issue as to whether the applicant-wife is unable to maintain herself did not arise as it was not contended in the reply to the application that the wife had sufficient means to maintain herself. As regards the issue pertaining to whether the husband has neglected and refused to maintain his wife, there was no specific denial in the written statement which proceeded on the footing that there was no marriage at all. In the circumstances, not a fit case to exercise revisional jurisdiction as there is no error of law. Hence, revision application is rejected.

(R.S.Mohite, J)